

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

Court Minutes

April 19, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

C060631 HIRSCH, as Trustee, etc. v. REED et al.

Cause called. Robert D. Nelson argued for appellant. Mark Fogelman argued for respondent Mid Valley Agricultural Services, Inc.. William J. Reed argued in pro. per. for respondent. Cause submitted.

CONSOLIDATED WITH

C061956 HIRSCH, as Trustee, etc. v. REED

Cause called. Robert D. Nelson argued for appellant. William J. Reed argued in pro. per. for respondent. Cause submitted.

At 10:03 a.m., the court recessed. At 10:05 a.m., the court reconvened with Blease, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.

C060685 AGHAZADEH et al. v. LYONS AND ASSOCIATES, INC., et al.

Cause called. Laurence C. Blunt argued for appellants. Chaffin Samuels argued for respondents. Cause submitted.

At 10:18 a.m., the court recessed. At 10:20 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Nicholson, Associate Justice.

C058912 THE PEOPLE v. TREVOR ALLEN PAULUS

Cause called. Mark Hart, court appointed counsel, argued for appellant. Michael Dolidia, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:34 a.m., the court recessed. At 10:38 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

C056395 GHANDOUR v. TAHOE SANDS TIME SHARE OWNERS ASSOCIATION

Cause called. Sinclair Wilson argued for appellant. Jay-Allen Eisen argued for respondent. Cause submitted.

At 11:11 a.m., the court recessed. At 11:12 a.m., the court reconvened.

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**C061168 RIVERSIDE SHERIFFS' ASSOCIATION et al. v. BOARD OF
ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES'
RETIREMENT SYSTEM**

Cause called. Adam E. Chaikin argued for appellant. Wesley E. Kennedy argued for respondent. Cause submitted.

At 11:44 a.m., the court recessed until 9:30 a.m., Tuesday, April 20, 2010.

**C064272 CITY OF SACRAMENTO v. BEAZER HOMES HOLDINGS CORP.;
ALLEGHANY PROPERTIES LLC.**

BY THE COURT:

Appellant's motion filed on April 16, 2010, to reinstate the appeal is granted. The order of April 1, 2010, dismissing the appeal is vacated, and the appeal is reinstated.

It is further ordered that appellant's request to construe the notice of appeal filed on February 8, 2009, as taken from the judgment filed on December 8, 2009, is also granted.

Respondent's civil appeal mediation statement, if any, is to be served and filed on or before April 29, 2010.

SCOTLAND, P.J.

April 20, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Blease, Associate Justice; Nicholson, Associate Justice; Raye, Associate Justice; and Horner, bailiff.

C063057 In re A.R.; YUBA COUNTY HEALTH AND HUMAN SERVICES v. B.A.

Cause called. Christopher Blake, court appointed counsel, argued for appellant. Christine S. Dehr, Deputy County Counsel, argued for respondent. Cause submitted.

At 9:55 a.m., the court recessed. At 9:56 a.m., the court reconvened with Blease, Associate Justice; Raye Associate Justice; and Butz, Associate Justice.

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**C061404 In re A.B.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. R.B.**

Cause called. No appearance was made for appellant in pro. per. R.B.. Reynaldo P. Carboni, Deputy County Counsel, appeared for respondent but did not argue. Cause submitted.

At 9:57 a.m., the court recessed. At 10:00 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

C059911 THE PEOPLE v. DAVELA CANNON, SR.

Cause called. Sara H. Ruddy, court appointed counsel, argued for appellant. Jeffrey Grant, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:24 a.m., the court recessed. At 10:25 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C061622 THE PEOPLE v. JUSTIN GREGORY MAXWELL

Cause called. James H. Dippery, court appointed counsel, argued for appellant. Jesse Witt, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:34 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Cantil-Sakauye, Associate Justice.

C061444 In re J.C.; THE PEOPLE v. J.C.

Cause called. Ann P. Bergen, court appointed counsel, argued for appellant. Larenda Delaini, Deputy Attorney General, argued for respondent. Cause submitted.

At 2:20 p.m., the court recessed. At 2:23 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

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C059423 BLANKENSHIP, a Minor, etc. v. ALLSTATE INSURANCE COMPANY

Cause called. Dugan Barr argued for appellant. Michael Barnes argued for respondent. Cause submitted.

At 2:54 p.m., the court recessed. At 2:55 p.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Cantil-Sakauye, Associate Justice.

C061772 THE PEOPLE v. RICHARD MASOTTI

Cause called. John L. Staley, court appointed counsel, argued for appellant. John A. Bachman, Deputy Attorney General, argued for respondent. Cause submitted.

At 3:13 p.m., the court recessed until 9:30 a.m., Thursday, April 22, 2010.

C057047 THE PEOPLE v. GERARD PETIT (Not For Publication)

The judgment is modified to provide for additional conduct credit of 112 days. The trial court is directed to prepare an amended abstract of judgment to reflect 222 actual days and 222 conduct days, for a total of 444 days of presentence custody credit, and to forward a certified copy of said amended abstract to the Department of Corrections and Rehabilitation. As modified, the judgment is affirmed.

RAYE, J.

We Concur: Nicholson, Acting P.J.
Cantil-Sakauye, J.

C058278 THE PEOPLE v. CHARLES ROBERT JOSEPH (Not For Publication)

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Nicholson, J.
Butz, J.

C060731 THE PEOPLE v. JOSEPH KENNETH SIMPSON (Not For Publication)

The judgment is modified... As modified, the judgment is affirmed.

RAYE, J.

We Concur: Scotland, P.J.
Nicholson, J.

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C061726 THE PEOPLE v. JAMES STEPHENS (Not For Publication)
The judgment is modified to award defendant 471 days of presentence custody credit. As so modified, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and to forward a certified copy to the Department of Corrections and Rehabilitation.

BUTZ, J.

We Concur: Sims, Acting P.J.

Robie, J.

C061897 THE PEOPLE v. (Not For Publication)
MICHAEL LEE CARR
The judgment is reversed and the cause is remanded with directions to conduct a hearing to determine whether the charges are time-barred. If so, the trial court shall dismiss the case. If not, the court shall modify the judgment by imposing and then staying a sentence on count 2 and its pendent enhancement, and shall reinstate the judgment as so modified. (See fn. 3, *ante*.)

NICHOLSON, J.

We Concur: Scotland, P.J.

Sims, J.

C062033 THE PEOPLE v. (Not For Publication)
KURT DINESO ANDRILLION

The judgment is affirmed.

BLEASE, Acting P.J.

We Concur: Sims, J.

Hull, J.

C061474 In re K.J.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. T.J.

The judgment is affirmed.

RAYE, Acting P.J.

We Concur: Butz, J.

Cantil-Sakauye, J.

C061995 In re A.S. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. M.S.

The judgments are affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.

Butz, J.

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**C062279 In re K.B. et al.; SACRAMENTO COUNTY (Not For Publication)
DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. M.S.**

The judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.
 Butz, J.

April 21, 2010

There are no minutes for this date

April 22, 2010

At 9:30 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Haskett, bailiff.

C060866 THE PEOPLE v. DANIEL FRANKLIN BORDEN

Cause called. Randy S. Kravis, court appointed counsel, argued for appellant. Doris A. Calandra, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:00 a.m., the court recessed. At 10:00 a.m., the court reconvened.

**C061687 In re M.G.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. M.C.**

Cause called. Teri A. Kanefield, court appointed counsel, argued for appellant. Jason Manoogian, Deputy County Counsel, argued for respondent. Cause submitted.

At 10:28 a.m., the court recessed. At 10:31 a.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Butz, Associate Justice.

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C060888 PETERS et al. v. ESCOBAR et al.

Cause called. Eugene J. Chiarelli argued for appellant. Michael W. Thomas argued for respondent. Cause submitted.

At 10:40 a.m., the court recessed. At 10:40 a.m., the court reconvened.

C062163 In re LARRY DUN on Habeas Corpus.

Cause called. Michael Evan Beckman argued for petitioner. David N. Sunada, Deputy Attorney General, argued for respondent, additional briefing allowed.

At 11:11 a.m., the court recessed until 8:30 a.m., Friday, April 23, 2010.

C059770 THE PEOPLE v. JEREMY LEE DIONNE (Not For Publication)

The judgment is modified by striking the stayed one-year prison term enhancement under section 667.5. The trial court shall direct the clerk to prepare an amended abstract of judgment and forward a certified copy to the Department of Corrections and Rehabilitation. So modified the judgment is affirmed.

BUTZ, J.

We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.

**C060425 THE PEOPLE v. (Certified For Partial Publication)
ROBERT JAY MATHERS**

The conviction and sentence for count 2, a violation of section 476, is reversed and dismissed. In all other respects the judgment is affirmed.

NICHOLSON, Acting P.J.

We Concur: Robie, J.
 Butz, J.

**C061691 THE PEOPLE v. (Not For Publication)
SHANE CHRISTOPHER HOWELL**

The judgment is affirmed.

NICHOLSON, J.

We Concur: Scotland, P.J.
 Raye, J.

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- C061792 THE PEOPLE v. DONALD LEE HOAK (Not For Publication)**
The judgment is affirmed.
RAYE, J.
We Concur: Sims, Acting P.J.
 Cantil-Sakauye, J.
- C062839 THE PEOPLE v. (Not For Publication)**
GUADALUPE ANN GARCIA
The judgment is affirmed.
HULL, Acting P.J.
We Concur: Butz, J.
 Cantil-Sakauye, J.
- C062785 THE PEOPLE v. (Not For Publication)**
BRET ALAN ONEAL
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Sims, J.
 Raye, J.
- C062422 DRAGON IRON FACTORY CO., (Not For Publication)**
LTD., et al. v. FASTENERS INTERNATIONAL,
INC., et al.
The judgment is reversed with directions to deny the motion to set aside
the April 2008 dismissal. Fasteners is awarded its costs of appeal. (Cal. Rules
of Court, rule 8.278 (a) (3).)
NICHOLSON, Acting P.J.
We Concur: Robie, J.
 Butz, J.
- C062796 In re A.Q. et al.; SACRAMENTO COUNTY (Not For Publication)**
DEPARTMENT OF HEALTH AND HUMAN
SERVICES v. B.Q.
The judgment (dispositional order) is affirmed.
BUTZ, J.
We Concur: Nicholson, Acting P.J.
 Robie, J.

**COURT OF APPEAL
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April 22, 2010, Continued

**C063263 In re S.C.; YOLO COUNTY DEPARTMENT (Not For Publication)
 OF EMPLOYMENT AND SOCIAL SERVICES
 v. T.C.**

The order terminating parental rights is affirmed.

BUTZ, J.

We Concur: Hull, Acting P.J.

Cantil-Sakauye, J.

April 23, 2010

At 8:32 a.m., the court met at 621 Capitol Mall, 10th Floor to begin its court calendar session. Present were Scotland, Presiding Justice; Blease, Associate Justice; Raye, Associate Justice; and Haskett, bailiff.

C054400 SUTTER HEALTH et al. v. UNITE HERE

Cause called. Michael Rubin argued and Scott A. Kronland appeared only for appellant and cross-respondent. Robert C. Welsh argued and Sarah A. Stofferahn and Christopher T. Scanlan appeared only for respondents and cross-appellants. Cause submitted.

At 9:31 a.m., the court recessed. At 9:33 a.m., the court reconvened with Scotland, Presiding Justice; Blease, Associate Justice; and Sims, Associate Justice.

C059015 TRUCK INSURANCE EXCHANGE et al. v. FINANCIAL PACIFIC INSURANCE COMPANY

Cause called. W. Eric Blumhardt argued for appellant. Gregory De La Pena argued for respondents. Cause submitted.

At 9:57 a.m., the court recessed. At 10:00 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

C058312 F & H CONSTRUCTION v. I. KRUGER, INC.

Cause called. John F. Querio argued and Joseph D. Ryan appeared only for appellant. Cause submitted.

At 10:04 a.m., the court recessed. At 2:00 p.m., the court reconvened with Scotland, Presiding Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

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April 23, 2010, Continued

**C062111 HOMEWOOD BUILDING SUPPLY, INC., (Not For Publication)
etc. v. NDULUE; TADDY**

The court's award of attorney fees to Homewood is reversed. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal. (Cal. Rules of Court, rule 8.278 (a) (5).)

BLEASE, Acting P.J.

We Concur: Sims, J.
 Nicholson, J.